

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAHQUAN SPENCER,

Plaintiff,

-against-

LABORATORY CORPORATION OF  
AMERICA HOLDINGS; PSYCHMEDICS  
CORPORATION,

Defendants.  
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For Online Publication Only

**ORDER**

19-CV-4927 (JMA) (ARL)

**FILED  
CLERK**

1/9/2020 9:46 am

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**AZRACK, United States District Judge:**

On August 28, 2019, pro se plaintiff Jahquan Spencer (“Plaintiff”) filed a complaint in this action. (ECF. No. 1.) Shortly thereafter, Plaintiff filed a letter motion seeking permission to supplement the complaint. (ECF No. 4.) The undersigned denied Plaintiff’s request, but indicated Plaintiff could file an amended complaint in accordance with Fed. R. Civ. P. 15. (ECF No. 5.) On October 10, 2019, Plaintiff filed a motion to amend the complaint pursuant to Fed. R. Civ. P. 15(B)(2). (ECF No. 13.) Neither Defendant filed opposition. On December 4, 2019, Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation (“R&R”) in which she recommended that Plaintiff’s motion be denied as moot since he was entitled to file an amended complaint as of right, and that Plaintiff be afforded 30 days to file the amended complaint. To date, no party has filed any objections and the deadline for filing any such objections has passed. Having reviewed the entire record and applicable law, I adopt Judge Lindsay’s R&R as the opinion of the Court.

In reviewing a magistrate judge’s R&R, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of an R&R to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Having reviewed the R&R for clear error, and finding none, the Court adopts Judge Lindsay’s R&R as the opinion of the Court. Accordingly, Plaintiff’s motion is DENIED as moot, and Plaintiff has 30 days to file an amended complaint. The Clerk of Court is respectfully directed to mail a copy of this Order and the R&R to the pro se plaintiff.

**SO ORDERED.**

Dated: January 9, 2020  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE